

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

JUAN M. CASTILLO,

Petitioner,

vs.

ISIDRO BACA, et al.,

Respondents.

Case No. 3:05-cv-00366-RLH-RAM

**ORDER**

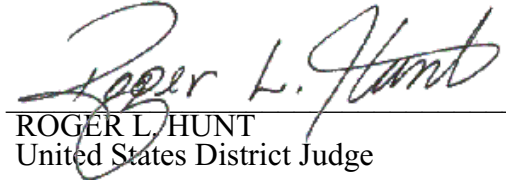
Petitioner has filed a successor petition for writ of habeas corpus (#64), having received authorization from the court of appeals. The court has reviewed it pursuant to Rule 4 of the Rules Governing Section 2254 Cases in the United States District Courts. The court will direct respondents to file a response.

The court of appeals authorized this successive petition for petitioner to argue that Miller v. Alabama, 132 S. Ct. 2455 (2012) is retroactive and applicable to his sentence. Miller held unconstitutional a mandatory sentence of life imprisonment without the possibility of parole for a person under the age of 18 at the time of the commission of the crime. The court notes that two weeks after petitioner filed the successor petition (#64), the Supreme Court of the United States has granted a petition for a writ of certiorari on the question whether Miller has retroactive effect, in Montgomery v. Louisiana, No. 14-280.

IT IS THEREFORE ORDERED that respondents shall have forty-five (45) days from the date of entry of this order to answer or otherwise respond to the successor petition (#64). Respondents shall raise all potential affirmative defenses in the initial responsive pleading,

1 including lack of exhaustion and procedural default. Successive motions to dismiss will not be  
2 entertained. If respondents file and serve an answer, then they shall comply with Rule 5 of the  
3 Rules Governing Section 2254 Cases in the United States District Courts, and then petitioner shall  
4 have forty-five (45) days from the date on which the answer is served to file a reply.

5 DATED: June 24, 2015.

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8 ROGER L. HUNT  
9 United States District Judge  
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